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#19

In re Patent No. 5,236,280
Issue Date: August 17, 1993
Application No.: 07/577,741
Filed: September 4, 1990
For: METHOD AND APPARATUS
FOR IMPROVING SHEET
FLOW WATER RIDES

:
: DECISION ON PETITION
: UNDER 37 CFR 1.324
:
:

This is a decision on the petition filed March 4, 1996, to correct inventorship under 37 CFR 1.324.

The petition is DISMISSED.

A petition to correct inventorship as provided by 37 CFR 1.324 requires (1) a petition including a statement of facts verified by all parties, including the original named inventor or inventors and any inventor(s) being added, establishing when the error without deceptive intention was discovered and how it occurred, (2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63, (3) the fee set forth in 37 CFR 1.20(b), and (4) the written consent of all assignees. This petition lacks the following:

With respect to item (1):

The verified statement of facts does not refer to the instant patent or application number. Further, the statement of facts refers to application no. 08/475,092 and not the facts which are particular to the above referenced patent.

Neither the Statement of Facts nor the declarations include an explanation of whether the original named inventors who had executed the oath or declaration under 37 CFR 1.63 had reviewed and understood the contents of the specification including the claims as amended by any amendment specifically referred to in the oath or declaration and whether they had reviewed the oath or declaration prior to its execution and if so how the error had occurred in view of such reviews. Without such showing of circumstances, no basis exists for a conclusion that the application had been made in the names of the original joint inventors "through error and without any deceptive intention," and no foundation is supplied for a

ruling that the amendment to include the name to be added as an inventor was "diligently made." See MPEP 1481 and 201.03.

With respect to item (2):

There is no oath or declaration executed by each of the inventors as required by 37 CFR 1.63.

With respect to item (4):

The consent of the assignee is not accompanied by the recordation information, including the reel and frame number.

Further, the consent of the assignee must comply with 37 CFR 3.73(b). See MPEP § 324.



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